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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,136	04/08/2004	Viktors Berstis	AUS920040214US1	8956
50170	7590	04/18/2008		
IBM CORP. (WIP)			EXAMINER	
c/o WALDER INTELLECTUAL PROPERTY LAW, P.C.			ALAM, MUSHFIKH I	
P.O. BOX 832745				
RICHARDSON, TX 75083			ART UNIT	
			PAPER NUMBER	
			2623	
			MAIL DATE	
			DELIVERY MODE	
			04/18/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,136

Applicant(s)

BERSTIS, VIKTORS

Examiner

MUSHFIKH ALAM

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/2/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 7-11, 18, 20, 21 and 34-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7-11, 18, 20-21, 34-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3, 7-11, 18, 20-21, 34-56 have been considered but are moot in view of the new ground(s) of rejection.

Examiner notes Applicant's failure to receive prior art citations on form PTO-892. References, Maissel (US 6637029) and Logan et al. (US 2006/0218579) are cited with this communication.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 7-11, 18, 20-21, 34-35, 37-43, 45-51, 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasnow et al. (US 2003/0226141) in view of Logan et al. (US2006/0218579).

Claim 1, Krasnow teaches a system for screening broadcast programming, comprising:

- a viewer (client device) configured to receive broadcast programming, to receive commands from a user (client), to receive commands from an interface (headend) coupled to the viewer, to present the

received broadcast programming to the user based on commands from the user (common DVR functions, i.e. changing channels, requesting video), and to present the received broadcast programming to the user based on commands from the interface (EPG server as part of the headend may process selection of content) (paragraphs [0020], [0021], [0025]);

- a processor coupled to the interface (real time interface) and configured to receive a real time screening signal (client user watching an advertisement) and to receive user input from the interface (selecting advertisement of interest), to store the received user input (information pertaining to particular advertisement selected) (paragraphs [0048], [0052]),
- a broadcast recorder (DVR) coupled to the interface and configured to receive broadcast programming (broadcast content), to store the received broadcast programming (stored content), and to transmit the stored broadcast programming to the viewer (client device) in response to user commands (requests), wherein the RTSS is generated based on real time monitoring (the client receives live feeds from content server p. 0020) of the broadcast programming being presented in real time (paragraphs [0020], [0025]).

Krasnow is silent regarding a system for screening broadcast programming, comprising:

- a precision screening signal;
- a processor coupled to the interface configured to generate a local action signal input and at least one of the received RTSS or PSS, and to transmit the local action signal to the interface;
- the interface configured to receive the local action signal, to transmit commands to the viewer based on the local action signal, and to receive the user input from the user, the user input comprising at least an action preference; and
- the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming, wherein the processor, in response to the broadcast programming being presented to the user via the viewer in real time, generates the local action signal based on the RTSS, and wherein, in response to the broadcast programming being presented to the user via the viewer as a

playback of the stored broadcast programming, the processor generates the local action signal based on the PSS.

Logan et al. teaches a system for screening broadcast programming, comprising:

- a precision screening signal (marked segments of interest i.e. commercials) (paragraph [0049]);
- a processor coupled to the interface configured to generate a local action signal input (delete portion of broadcast) and at least one of the received RTSS (time stamps), and to transmit the local action signal to the interface (delete portion of broadcast) (paragraph [0049]);
- the interface configured to receive the local action signal (command to delete marked portion), to transmit commands to the viewer based on the local action signal, and to receive the user input from the user, the user input comprising at least an action preference (user instructs the processor to delete marked portions) (paragraph [0049]); and
- the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming (marked signals are stored, p. 0066), wherein the processor, in response to the broadcast programming being presented to the user via the viewer in real time (client device of Krasnow), generates the local action signal (delete portion corresponding to time stamps) based on the RTSS (time stamps), and wherein, in response to the broadcast programming being presented to the user via the viewer as a playback of the stored broadcast programming (segments are stored based on markings,), the processor generates the local action signal based (delete portions corresponding to segments that are defined as commercials) on the PSS (paragraphs [0049], [0059]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided marking signals as taught by Logan et al. to the real time broadcasts of Krasnow to locate segments of interest and lack thereof (paragraph [0014]).

Claim 3, Logan teaches the system wherein the broadcast recorder is further configured to modify the stored broadcast programming based on commands (deleting or skipping marked segments) from the interface (paragraph [0059]).

Claim 7, Logan teaches the system wherein the viewer is configured to present audio (dub in audio) broadcast programming to the user (paragraph [0067]).

Claim 8, note the discussion of claim 1 above. Krasnow teaches a system of screening broadcast programming comprising:

- the RTSS (metadata of advertisements) is generated based on real time monitoring (real time feeds) of the broadcast programming being presented in real time (paragraphs [0020], [0049]),
- in response to the broadcast programming being presented to the user via the viewer in real time, the commands are generated based on the RTSS (viewer-inputs to commercials of interest) (paragraph [0049], [0052]).

Logan teaches a system of screening broadcast programming comprising:

- the PSS (marked signals) is generated based on a playback of at least one portion of a recording of the broadcast programming (paragraph [0049]);
- in response to the broadcast programming being presented to the user via the viewer as a playback of the stored broadcast programming, the commands (delete or skipping marked portions) are generated based on the PSS (marked signals) (paragraph [0049]).

Claim 9, note the discussions of claims 1 and 8 above. Krasnow teaches a system for screening broadcast programming comprising:

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- wherein the RTSS (viewer-inputs corresponding to metadata of ads) is used to control presentation (target) of the broadcast programming to the user via the viewer in real time (present advertisements of interest) (paragraphs [0058]-[0059]), and

Logan teaches a system for screening broadcast programming comprising:

- wherein the PSS (marking signal) is used to control presentation (delete) of the broadcast programming to the user via the viewer as a playback of stored broadcast programming (paragraph [0049]).

Claim 10, Krasnow teaches the system wherein:

- the processor is further configured to transmit the RTSS (metadata) to the interface (paragraph [0057]); and
- the interface is further configured to receive the RTSS (metadata on particular advertisement) and to transmit the RTSS to the viewer (client device) for use in generating a presentation of the broadcast programming (viewer preferred segments i.e. commercials) (paragraphs [0048], [0052]).

Logan teaches the system wherein:

- the processor is further configured to transmit the PSS to the interface (paragraph [0046]); and
- the interface is further configured to receive the PSS (marked segments) and to transmit the PSS (marked signals) to the viewer for use in generating a presentation (deleting segments) of the broadcast programming (paragraph [0049]).

Claim 11 recites computer program code to perform the steps of claim 9. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 9 as noted above.

Claim 18 recites computer program code to perform the steps of claim 3. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 3 as noted above.

Claim 20 recites computer program code to perform the steps of claim 7. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 7 as noted above.

Claim 21 is analyzed as a method of claims 1, 8, and 9 above.

Claim 34, Logan teaches the system wherein the action preference (action taken of particular marked segment) identifies an action (only showing highlights of sport show) that the system is to take in response to encountering a content of interest segment (sports) in the broadcast programming (paragraph [0052]).

Claim 35, Logan teaches the system wherein the action that the system is to take is to edit the content of interest segment out (delete) of the stored broadcast programming (paragraph [0049]).

Claim 37, Logan teaches the system wherein the action that the system is to take is to skip the content of interest segment during the presentation of the broadcast programming to the user (paragraph [0059]).

Claim 38, Krasnow teaches the system wherein the RTSS (metadata) is generated by reconciling (categorized) a plurality of screening signals (plurality of client devices) from a plurality of different viewers (users at client devices) of the broadcast programming (paragraph [0049]).

Claim 39, Logan teaches the system wherein the PSS (marked signals) is generated based on the RTSS (time stamps) by having a user (editor) view portions of the recording of the broadcast programming based on content of interest segments present in the broadcast programming as specified by the RTSS and identifying a start or end (time stamps) of the content of interest segments present in the broadcast programming (paragraphs [0083], [0091]).

Claim 40, Logan teaches the system wherein the user input (marks) specifies a time period (time of recording) to delay (synchronize) presentation of the received broadcast programming to the user such that the broadcast programming is stored by the broadcast recorder and the PSS (marked signals) is used to generate the local action signal (delete portions of programming) (paragraph [0049], [0054]).

Claim 41 is analyzed as a combination of claims 8 and 9.

Claim 42 recites computer program code to perform the steps of claim 34. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 34 as noted above.

Claim 43 recites computer program code to perform the steps of claim 35. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 35 as noted above.

Claim 45 recites computer program code to perform the steps of claim 37. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 37 as noted above.

Claim 46 recites computer program code to perform the steps of claim 38. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 38 as noted above.

Claim 47 recites computer program code to perform the steps of claim 39. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 39 as noted above.

Claim 48 recites computer program code to perform the steps of claim 40. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 40 as noted above.

Claim 49, Logan teaches the method wherein the user input further comprises at least one action preference associated with the COI segment type (paragraph [0052]).

Claim 50 is analyzed as a method of claim 34.

Claim 51 is analyzed as a method of claim 35.

Claim 53 is analyzed as a method of claim 37.

Claim 54 is analyzed as a method of claim 38.

Claim 55 is analyzed as a method of claim 39.

Claim 56 is analyzed as a method of claim 40.

4. Claims 36, 44, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krasnow et al. (US 2003/0226141) in view of Logan et al. (US2006/0218579) and further in view of Vogel (US 2003/0031456)

Claim 36, Krasnow, Logan are silent regarding the system wherein the action that the system is to take is to start stop storing the broadcast programming in response to encountering the content of interest segment and to restart storing of the broadcast programming in response to the content of interest segment no longer being encountered.

Vogel teaches the system wherein the action that the system is to take is to start stop storing (pause) the broadcast programming in response to encountering the content of interest segment (if segment is too violent) and to restart storing of the broadcast programming in response to the content of interest segment no longer being encountered (paragraph [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided recognizing violent scenes are preventing recording of them as taught by Vogel to the system of Kransnow, Logan to remove unwanted material from recordings (paragraph [0065]).

Claim 44 recites computer program code to perform the steps of claim 36. It is inherent that Krasnow and Logan teach computer program code to perform the steps of claim 36 as noted above.

Claim 52 is analyzed as a method of claim 36.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3/17/2008

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623